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July 22, 2011
Board of Commissioner's Meeting
Minutes

Commissioner's Present:

Commissioner Cocke (phone)
Commissioner Davis (phone)
Commissioner Garrett (phone)
Commissioner Hewitt (phone)
Commissioner McDaniel (phone)
Commissioner Miller (phone)
Chair Pierce (phone)
Commissioner Pride (phone)
Commissioner Walker (phone)
Commissioner Wurzburg (phone)

Commissioner's Absent:

Commissioner Blalock
Commissioner Jones
Commissioner Osborne
Commissioner Starling
Commissioner Wiggins

Staff Present:

Beverly Watts, Executive Director
Bobbie Porter, Special Assistant to the Executive Director
Tiffany Baker Cox, Deputy Director (phone)
Shalini Rose, General Counsel
Richard Gadzekpo, Housing Coordinator
Marcus Thomas, Title VI Compliance Director
Lisa Lancaster, Executive Assistant

Guests:

None

Call to Order

Chair Pierce called the meeting to order at 9:06 a.m. Roll call was taken. Chair Pierce asked that those present observe a moment of silence and shared a Cherokee Prayer. "Help me always to speak the truth quietly, to listen with an open mind when others speak, to remember the peace that may come in prayer."

Minutes of the May meeting were reviewed and Commissioner Davis made a motion to accept. Commissioner Hewitt seconded the motion. A vote was taken and passed.

Executive Director's Report

Executive Director Watts began her report by noting that Allen Staley from Shared Services Solutions and his wife have just returned from China where they adopted an 18 month old little boy. She expects to meet with Allen next week regarding the budget and agency spending for the last fiscal year and what 2012 looks like.

Two positions are vacant in the agency. One is the secretary position vacated by the retirement of Lila Stafford in February and the other is the Title VI position which is new and granted in the budget. We are in the process of reclassifying the secretary position and developing a job description for the Title VI position and have requested permission to fill both from DOHR. We optimistically project filling both positions by September.

The beginning of the new fiscal year also the beginning of the new two year Sunset period on July 1. The Title VI division held its first annual training session two weeks ago and it was very successful. We also just completed the yearly Employment Law Seminar, there was mention and a picture in the Nashville Business Journal and on the front page of the Hispanic Chamber of Commerce website there is a picture of EEOC Counsel General Lopez with staff.

A joint EEOC and THRC training will be held at the Public Library in Nashville on July 28, 2011. We expect at least 20 attendees along with 10 staff members participating. Director Watts announced that both she and Commissioner Garrett have been selected for the upcoming Leadership Nashville class.

The next Board of Commissioner's meeting will be on September 23, 2011 which coincides with the NAACP State Conference which will be held in Murfreesboro. A discussion has been held with Gloria Sweet Love, NAACP President regarding having THRC hold their board meeting in conjunction with their conference. Executive Director Watts noted nothing has been confirmed but included more information will be forthcoming after we work out the details.

A motion was made to accept the Executive Director's report by Commissioner Garrett. It was seconded by Commissioner Walker and a vote was taken and passed.

Outreach and Education Committee Report

Commissioner Wurzburg, Chair of the Outreach and Education Committee reported on the July 14, 2011 meeting that was held telephonically. It was decided that the Roundtable meetings were more useful than the Listening Sessions due to the targeted audiences. The committee agreed to have staff explore the possibility of having the September Board meeting at the NAACP State Conference in Murfreesboro and meetings are being scheduled with Commissioner Pride and Blalock to discuss taking the Roundtable discussions on the road in the West Tennessee area. It was agreed that one focus of the upcoming Roundtable meetings should target attorneys as their audience to assist them with concerns they may have and possibly offer a CLE in association with the meetings.

Director Watts suggested that Mediation Month is probably not necessary as our Mediation program is fully operational and we are able to offer it to complainants and respondents prior to the start of the investigation

The Employment Law Seminar is a very good event and the guest speaker EEOC, Counsel, David Lopez. Congratulations were expressed for the staff that conducted and planned the seminar. The upcoming Commissioner retreat is tentatively scheduled for September 22, 2011 the night before our scheduled board meeting and discussion of whether or not to have an outside facilitator or Chair Pierce and staff. No decision has been made and staff will continue to explore our choices.

Questions were raised about the Murfreesboro Mosque situation and Executive Director Watts suggested we ask the Department of Justice and Murfreesboro City Schools attended a meeting on this recently in Murfreesboro. Deputy Director Tiffany Baker Cox and Title VI Director Marcus Thomas to address positive direction and goals they have established to address tension in the schools for Muslim students. Staff will contact these agencies and see if they are available.

The Committee agreed that the goals for outreach and education were met and exceeded for the current year and should remain the same for the upcoming period.

Commissioner McDaniel made a motion to accept the report and Commissioner Cocke seconded the motion. A vote was taken and passed.

Employment Case Report

Tiffany Baker Cox, Deputy Director's employment report was given from National Multi Cultural Institute in Washington, DC where she is attending a Train the Trainer Course on Diversity and Inclusion training. The report covers the period of May 1 through June 30 and 118 inquiries were received that resulted in 87 charges of which 74 were dual filed and 13 were THRC only. The agency closed 86 cases that included 70 dual filed and 16 THRC only and Title VII was the top bases for cases filed with Title VII/ADEA and ADEA tied for second. There were four mediations held and two were successful and two reached an impasse. One settlement and two mediations closed during the period resulting in \$31,000 in benefits. No cases were caused and 28% of cases were administratively closed. The average closed case age was 312 days and inventory stands at 336 cases with an average charge age of 248 days.

The focus of investigative work since January has been reducing the number of aged cases over 270 days old. These cases have been reduced to 33% down from 40% in January. She thanked the staff for their hard work and noted their good job.

EEOC fiscal year numbers indicate that we accepted and closed more cases than the previous period of 2010 – 2011. Our inventory is down and that is attributed to being fully staffed and investigators focusing on managing their inventories. Mediations and benefits are down because in 2009 we were still closing cases from the first Mediation Month we conducted.

Supervisory staff just attended a half day Customer Service Training provided by the Department of Human Resources on July 14 and they will incorporate the information that they learned into their day to day interactions with their staff and the remaining staff will be trained on those concepts at the annual training held each December. The decision was made to send supervisory staff as sending all staff would have been cost prohibitive.

Work continues on the Title VI position description and the reclassification of the secretary position in the customer service division which involves Finance and Administration, and Human Resources as well as THRC. It is projected that this effort will be completed by the end of the year.

Deputy Cox and Director Watts will be meeting with Mark Travis next week to finalize plans for the Mediator training and Commissioners were invited to participate on July 28, 2011. THRC will co-host a training with EEOC at the Nashville Public Library at 10:00 a.m.

The customer service surveys and witness contact verification that was requested by the legislators and auditors began on July 1st. In the final correspondence to parties a customer service survey is included and requests that it be mailed, faxed or emailed back to the agency describing the level of service they received during their investigation. Frank Guzman also resumed making random phone calls to witnesses of two cases per employment investigator and one case per housing investigator and verifies witness contacts listed in the case file. This process had been interrupted due to staffing shortages. Any inconsistencies found are reported to Deputy Cox and Director Watts immediately.

Chair Pierce asked if the EEOC/THRC event on the 28th was open to the public. Deputy Cox noted that it was and EEOC had sent out a press release on the event and THRC sent out notice to its partners in the community and interested groups.

A motion to accept the Employment Report was made by Commissioner Hewitt and seconded by Commissioner Wurzburg. A vote was taken and passed.

Housing Case Report

The housing report was given by Housing Coordinator, Richard Gadzekpo who reported on the timeframe of May and June 2011. The division received 47 inquiries and accepted 22 as complaints with the most cases coming from Davidson County. Disability (50%) and race (18%) were the top bases for complaints. Retaliation and religion were tied with 9% and gender and familial status tied with 1.5%. During the timeframe 21 cases were closed 9 of which were closed in under 100 days.

We conciliated seven cases and we continue to improve the rate at which we close cases. The HUD efficiency goal is closing 50% of all cases within 100 days and we are currently at 49% with continued improvement expected. We began the fiscal year with only three aged cases in contrast to 67 last year with only 29% of cases being closed within 100 days.

Commissioner Wurzburg asked about no cause findings and if we do testing to which Director Watts noted that we do not do testing as we are prohibited from doing so by our statute but added that THRC conducts a full investigation to determine no cause. We also conciliate 27% of cases which provides relief to complainants.

A motion to accept the Housing Report was made by Commissioner Garrett and seconded by Commissioner McDaniel. A vote was taken and passed.

Legal Report

General Counsel, Shay Rose reported on the May 1, 2011 through June 30, 2011 timeframe. In the employment division 80 cases were closed with 10 of those being administrative closures. There are currently 2 cause cases and 66 investigative plans were reviewed and 5 reconsiderations completed. In housing 20 cases were closed, 3 of those being administrative closures. One cause case was successfully conciliated leaving one cause case and 8 investigative plans were reviewed with 4 reconsiderations completed. It was noted that 23 copy requests have also been completed.

The Employment Law Seminar was held June 23, 2011 and David Perez, EEOC General Counsel was the keynote speaker for the event. Special thanks were offered to Commissioners Wiggins, Wurzburg and Osborne and also Chair Pierce for attending and assisting staff with speaker introductions.

The yearend summary for the legal division includes information on the busy legislative session from January to June which produced 3 to 4 times the usual amount of bills requiring a response to fiscal notes. The same is expected for the session next year.

The first employment case regards a corrections officer that was terminated and the respondents' responses were inconsistent and several comparatives, which were Caucasian had committed more serious infractions and were not fired. Spoke to General Counsel Perez from EEOC and he suggested that we contact Fay Williams EEOC General Counsel for her suggestions. The second case involves a complainant fired after she filed a THRC complaint. The complainant has left the country but we have reached an agreement with the respondent for them to receive training and pay \$100 toward training to THRC.

The housing cause case update included a case where the complainant alleged sexual harassment to her local housing authority which resulted in her lease was not being renewed. This case settled for \$1,000, an apology and the respondent attending training. The second case was a failure to negotiate rent case and the complainant was of Chinese origin and the landlord refused to rent to them because they stir-fry. Mediation continues with all parties for a settlement.

Commissioner Hewitt made a motion to accept the legal report. Commissioner Davis seconded the motion. A vote was taken and passed.

Outreach & Education Report

Bobbie Porter reported on the timeframe of May 1, 2011 to June 30, 2011 during which THRC participated in 19 Outreach and Education events and 12 speaking events. THRC staff participated in the Cable Power of Inclusion Luncheon at which Director Watts served as the chair of the event; the EEOC Fair Pay Day events in Nashville on May 4 and Memphis on May 9. Chair Pierce was the keynote speaker at the League of Women Voters in Knoxville on May 17, 2011 and on May 25, 2011 staff supported Commissioner McDaniel on his 45th pastoral anniversary at the Second Missionary Baptist Church in Chattanooga. In June Frank Guzman appeared on a Nashville market Spanish language television show.

The Employment Law Seminar was attended by 131 persons which reflects growth in the event for the second year in a row. Of the attendees who turned in their event surveys, 66% indicated that the event was excellent, 32% said the event was good and 2% said it was average and no poor responses were indicated. The Meet and Greet event held the next day was a great opportunity for plaintiff and defense attorneys to meet on neutral ground and was attended by approximately 40 people. It was held at Waller, Lansden & Dortch.

Articles about the seminar from the Nashville Business Journal and the Hispanic Chamber of Commerce will be provided at the next board meeting.

Commissioner McDaniel thanked the staff and commissioners for attending his anniversary event and noted how proud he was that they attended.

Commissioner McDaniel made a motion to accept the Communications report. Commissioner Cocke seconded the motion. A vote was taken and passed.

Title VI Compliance Report

Marcus Thomas, Title VI Compliance Program Director reported on the timeframe May 1, 2011 to June 30, 2011. During the timeframe 66 inquiries were received resulting in 12 complaints being filed and 4 cases were closed.

He thanked staff who assisted with the Title VI Coordinator training that was held on July 13, 2011. It was noted that the development and posting on the website of the Title VI guidance is moving forward and will be ongoing in the future. A training event was attended by Mr. Thomas in Arlington, VA sponsored by the Department of Justice on Limited English Proficiency and investigation procedures.

The Title VI training was attended by 66 coordinators who represented 40 (out of 41) agencies from across the state. Positive feedback was received by attendees. Last year there were 57 people attending which reflects an increase in attendance.

A motion to accept the Title VI report was made by Commissioner Cocke and seconded by Commissioner Hewitt. A vote was taken and passed.

Announcements

Chair Pierce announced that we will be having a mini retreat on September 22 beginning at 4:30 p.m. and additional information will be sent out soon. She indicated Commissioners will be receiving a survey regarding Commission assessment and providing input on the topics that should be discussed at this meeting. She urged everyone to put this information on your calendar and plan to attend.

Bobbie Porter asked if any commissioners plan to attend the Joint EEOC and THRC Training on July 28, 2011 and said she will send an email and asked that any wishing to attend should respond.

Commissioner Wurzburg asked if legal was familiar with the American Legislation Exchange Council and noted she is familiar with this group and ALEC that this is origin of the sole cause bill. Commissioner Wurzburg requested that more information be given if it is available. Director Watts noted that this is an independent organization and a Tennessee legislator is on their board. These are persons who are actively involved with the Tea Party across the country and this described as a conservative legislative association.

Model Legislation, as it is called, has been filed in Missouri and Tennessee among other places. After the session both at the federal level and the state level they have gotten more publicity in newspapers concerning the anti-Sharia legislation that the Tennessee sponsor said they did not know that language was in the bill. The bill was sponsored by Senator Ketron and the bill was rewritten, with that language included and the Governor signed it.

Executive Director Watts noted the Muslim community worked on trying to get the bill killed but was not successful. They were able to get some of the language taken out that they felt was offensive. We can provide any information that is available to any commissioners who request it. The sole cause bill may come back up next session.

Commissioner Wurzburg noted that the American Legislation Exchange Council is a 501© 3 or 6 just like the NAACP. The national organization Common Cause was calling for an investigation since it is not educational but political in nature. The board members are legislators from across the country and the Chair of the board said in an interview on the NPR program Fresh Air that this is going across the country like wildfire. People should know that they have a concerted agenda and if they succeed in great numbers it will take decades to undo what they accomplish.

Director Watts noted that there are many other groups like this such as English First and on the other side there are groups such as TIRRC and others promoting positive and proactive legislation and the question is whether or not they find sponsors. The NAACP also does model legislation.

We will give a balance approach to model legislation from ALEC, the NAACP and other groups and have it available by the next meeting identifying who it is and what it is and what is happening.

Chair Pierce received a motion to adjourn from Commissioner Wurzburg and a second from Commissioner McDaniel. A vote was taken and passed and the meeting was closed at 10:10 a.m.